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**DEPARTMENT OF THE INTERIOR AND RELATED
AGENCIES APPROPRIATIONS FOR 1994**

HEARINGS

BEFORE A

**SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED THIRD CONGRESS**

FIRST SESSION

**SUBCOMMITTEE ON THE DEPARTMENT OF THE INTERIOR AND
RELATED AGENCIES**

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Staff Assistants

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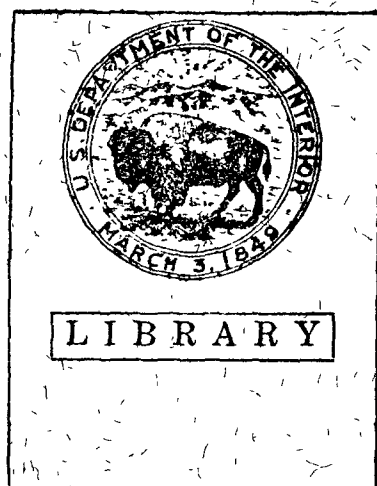
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QUESTION 17 What assurances can you provide the Committee that these subdivisions won't suffer from the same delays and uncertainties which plague the Tuba City subdivision?

ANSWER The Office can provide no assurances that such subdivisions won't suffer from the same delays and uncertainties which we encountered with the Tuba City subdivision. The payment of some portion of matching funds to provide subdivision homesites for non-relocatees is the only inducement which the Office has to persuade chapters to accept relocatees into their communities. While we have been able to accomplish this process through this inducement, it is not without continuing opposition from certain members of chapters in which subdivisions are proposed. Added to this are the normal problems of accomplishing approval through the standard tribal process which involves first obtaining a majority of votes within the chapter on a resolution to establish a subdivision and then continuing this process up through the intricate and time-consuming tribal procedures for archaeological clearance, land withdrawal, endangered species, etc. This is cumbersome process which is compounded by the natural opposition which occurs within chapters to certain subdivision developments and unfortunately the Office has no power over many of the elements involved in accomplishing all of the necessary planning and clearance work for subdivisions. That having been said, the Office still feels it is extremely worthwhile to go through this process in order to provide opportunities for our relocatees to locate within various chapters and be provided the amenities which accompany subdivision development.

QUESTION 18 What locations are you considering for subdivisions?

ANSWER In addition to the Tuba City subdivision, the Office has already accomplished a project in the LeChee Chapter and we are currently working on subdivisions in Tonalea Chapter, Kayenta, Pinon and Winslow.

QUESTION 19 What are the pros and cons of these locations?

ANSWER Basically, all of these locations share the same pros and cons. The pros are that we have relocatees interested in moving to the areas and the subdivision approach provides a more ready acceptance among the existing residents and a more economical approach to the provision of infrastructure. The cons are those addressed in Number 17 above, in that while we will not approach the development of subdivision unless there is sufficient interest among our relocatees, there is nothing that we can do to prevent the difficulties involved with completing such a subdivision.

Q2/3

TUESDAY, APRIL 20, 1993

BUREAU OF INDIAN AFFAIRS

WITNESSES

DEPARTMENT OF THE INTERIOR

EDDIE F. BROWN, ASSISTANT SECRETARY—INDIAN AFFAIRS

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OSCAR MUELLER, ACTING DIRECTOR, OFFICE OF CONSTRUCTION MANAGEMENT

WILLIAM LAVELLE, DIRECTOR, OFFICE OF SELF-GOVERNANCE

ROBERT LAMB, DIRECTOR, OFFICE OF BUDGET

BUREAU OF INDIAN AFFAIRS

STANLEY SPEAKS, ACTING DEPUTY COMMISSIONER OF INDIAN AFFAIRS
JOHN TIPPECONNIC, DIRECTOR, OFFICE OF INDIAN EDUCATION PROGRAMS

CAROL BACON, DIRECTOR, OFFICE OF TRIBAL SERVICES

JAMES CAIN, DIRECTOR, OFFICE OF MANAGEMENT AND ADMINISTRATION

JERRY FOLSOM, ACTING DIRECTOR, OFFICE OF ECONOMIC DEVELOPMENT

PATRICK HAYES, DIRECTOR, OFFICE OF TRUST RESPONSIBILITIES

JAMES PARRIS, DIRECTOR, OFFICE OF TRUST FUNDS MANAGEMENT

LINDA RICHARDSON, ASSISTANT DIRECTOR OF MANAGEMENT AND ADMINISTRATION

GARY CECCUCCI, CHIEF, DIVISION OF PROGRAM DEVELOPMENT AND IMPLEMENTATION

TED QUASULA, CHIEF, DIVISION OF LAW ENFORCEMENT

JERRY JAEGER, AREA DIRECTOR, ABERDEEN

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WALTER MILLS, AREA DIRECTOR, PHOENIX

GEORGE GOVER, ACTING AREA DIRECTOR, PORTLAND

RONALD JAEGER, AREA DIRECTOR, SACRAMENTO

Answer: Due to the deteriorated condition of the facility and the prohibition regarding transferring facilities with asbestos liabilities to tribes, the Bureau will have it demolished after the appropriate historical clearances are obtained

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

Question 255: The request for settlements and payments to Indians is \$204,260,000, an increase of \$165,651,000. Included is \$3 million for trust fund deficiencies. Do you have any more accurate estimates yet of the amounts owed for both kinds of deficiencies?

Answer: The latest estimates show the breakdown of losses as follows

Failed Financial Institutions	\$ 6,046,612
Claims filed with Solicitor's Office	2,952,422
Mass Cancellation U S Treasury	1,600,987
Total	\$10,600,024

Question 256: Have any of the 1993 funds been distributed to date?

Answer: None of the funds have been distributed.

Question 257: What problems are you encountering in trying to determine payees and amounts owed per payee?

Answer: In researching the canceled Treasury checks, the following types of problems have been discovered

- 1) Voided checks that Treasury reflected with dollar amounts.
- 2) Check amounts that Treasury reflected with zero dollar amounts that were valid checks with legitimate amounts
- 3) Check numbers that the amounts were off by one check number, these are a result of incorrect input by Treasury or the BIA
- 4) Check numbers that the amounts were exactly doubled on Treasury records
- 5) Due to inadequate record retention and manual records, it is virtually impossible to locate all records to properly identify each check number

OTFM has identified the payees, or determined the checks listed by Treasury to be voided, for a total of 8,263 checks and \$616,737.31. This is 32% of total dollars of the IIM checks. An additional 3,638 checks totalling \$182,972 are identified to payees, but need additional research due to closed accounts or current probate status. There is 13,978 checks totalling \$790,341 that are identified to the area/agency levels and the field staff is in the process of researching the exact payee. The remaining 37,003 checks totalling \$587,999.27 are unidentified.

The original amount determined canceled by Treasury was \$1,914,528 for IIM and \$67,478 Tribal account. OTFM has verified that \$387,775 of this amount were actually voided checks,

discrepancies in dollar amounts added an additional \$6,756 to the total. The current total is \$1,600,987 and \$67,478 for Tribal. This amount will continuously change throughout the research period.

It should be noted that 72% of the dollar amounts identified to area/agency level and 97% of the checks that are unidentified are for less than \$100.

Question 258: Do you have an estimate of the time and cost that will be required to complete these determinations?

Answer: Not as yet.

Question 259: The request includes \$34 million for the Navajo Indian Irrigation Project, which has been funded from the construction account in the past. Why is it preferable to fund this project from the settlement account? What is the general annual obligation rate for the project?

Answer: The Navajo Indian Irrigation Project (NIIP) is being constructed as partial fulfillment of the Navajo Treaty of 1868 and as compensation for the Tribe renouncing its claims to 109,000 acre feet of water being diverted from the San Juan River for the San Juan-Chama Diversion Project (New Mexico).

The Navajo Tribe has a State of New Mexico water permit for annual average diversion of 630,000 acre feet with a priority dated June 17, 1955 from the San Juan River. P.L. 87-483, 76 Stat. 96, §2 provides that the Navajo Tribe will have an annual average diversion of 508,000 acre feet from the San Juan River. As the water for NIIP is a partial settlement of the Navajo Tribe's water rights claims in the San Juan River, the Bureau believes the cost of the project is part and partial to a water rights settlement and therefore should be funded from the Indian Land and Water Settlement program.

The general annual obligation rate is 95% to 98%.

Question 260: \$11.2 million is included for the Fallon water rights settlement. Is the \$3.2 million included to begin closure of the T-J Drain and the provision of alternative drainage all included in the settlement Act?

Answer: Yes, the \$3.2 million requested for the T-J Drain is included in the Settlement Act.

Question 261: \$3.2 million is included for Southern Arizona water rights settlement Act, \$1.4 million for Salt River Pima-Maricopa, and \$695,000 for Fort McDowell, all to be used to construct delivery and distribution facilities for Central Arizona Project water, and to be transferred to the Bureau of Reclamation. Would these normally be included under the irrigation construction portion of the budget? Why are they included here instead?

Answer: No, these are all costs associated with Indian water rights settlements. Under the criteria established for the Indian Land and Water Claim Settlements program the Secretary